

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

In re:
ZETIA (EZETIMIBE) ANTITRUST LITIGATION

MDL NO. 2:18md2836

ORDER

This matter comes before the court on the End-Payor Plaintiffs' Motion to Set Trial Schedule ("Motion"). ECF No. 1655. After a status conference hearing on July 22, 2022, trial for this case was set to begin on April 5, 2023, ECF No. 1630, with an expected length of five (5) weeks. The End-Payor Plaintiffs have now moved the court to modify the trial schedule, "in order to allow observant Jewish participants in the trial to celebrate and observe Passover."¹ ECF No. 1655. The movants propose that trial be delayed until April 17, 2023. *Id.* The Motion is **GRANTED** in part, **DENIED** in part.

In recognition of the Passover holiday and out of respect for the time needed for observers to celebrate and spend time with family, the court hereby **DIRECTS** the Calendar Clerk to modify the trial schedule to begin on April 10, 2023, with five (5) weeks set

¹ The Passover holiday begins at sundown, April 5, 2023, and continues until sundown on April 13, 2023. Although counsel indicated being unaware "of the specific dates for the Passover holiday during the July 22, 2022, hearing," ECF No. 1656 at 2, said dates would have been available to them at that time.

aside. This alteration allows for the observance of the first four (4) days of Passover, to include Seder.

The court recognizes that trial days remain scheduled for the last four (4) days of the Passover holiday. However, to the extent that counsel need additional days to observe Passover, those counsel are **EXCUSED** from being present at trial, if they so determine it appropriate. Given that there are multiple counsel representing each End-Payor Plaintiff, the End-Payor Plaintiffs will be adequately represented at trial. Any witness schedule can be adjusted in accordance with this Order.

The Clerk is **DIRECTED** to send a copy of this Order to counsel for the parties.

IT IS SO ORDERED.

/s/ 
Rebecca Beach Smith
Senior United States District Judge

REBECCA BEACH SMITH
SENIOR UNITED STATES DISTRICT JUDGE

September 19, 2022